

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE  
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 1 ABAWD, Food Stamp Voluntary Quit, and FSET Emergency Regulations

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held September 17, 2003, as follows:

September 17, 2003  
Office Building # 9  
744 P St. Auditorium  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on September 17, 2003.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

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## CHAPTERS

Manual of Policies and Procedures Division 63 (Food Stamps), Chapter 63-300 (Application Process), Section 63-300 (Application Process); Chapter 63-400 (Eligibility Standards), Section 63-407 (Work Registration Requirements), Section 63-408 (Voluntary Quit), Section 63-410 (Food Stamp Work Requirement for Able-Bodied Adults Without Dependents (ABAWD), and Section 63-411 (CFAP Work Requirements); and Chapter 63-500 (Eligibility Determinations), Section 63-503 (Determining Household Eligibility and Benefit Levels) and Section 63-505 (Household Responsibilities).

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed regulations implement and make specific the following:

- Public Law 107-171, the Farm Security and Rural Investment Act of 2002, which contains the Food Stamp Reauthorization Act of 2002, Sections 4121 and 4401. These sections amended 7 U.S.C. 2015, 7 U.S.C. 2025, and 8 U.S.C. 1612 by making amendments to the employment and training funding requirements, reimbursement of transportation and ancillary expenses, and legal immigrant non-assistance food stamp recipients.
- The regulations issued by the the U.S. Department of Agriculture, Food and Nutrition Service (FNS) in Federal Register (Volume 66, Number 11), dated January 17, 2001, which implemented the able-bodied adult without dependents (ABAWD) work requirements codified at 7 CFR 273.24.
- The regulations issued by the FNS in Federal Register (Volume 67, Number 118), dated June 19, 2002, which revised work provisions for Food Stamp Employment and Training (FSET), disqualification periods, and voluntary quit and reduction of work effort requirements codified at 7 CFR 273.7.

State food stamp, voluntary quit, reduction of work effort, disqualification period, FSET and ABAWD regulations include the following amendments:

- Individuals no longer have to “end” a food stamp disqualification through violation compliance. Following the minimum disqualification period, individuals may be approved for food stamps if otherwise eligible and if in compliance with food stamp work registration requirements.
- The repeal of the \$25 cap for reimbursement of FSET transportation and ancillary costs.
- Applicants, who quit a job within 60 days prior to the date of application, are denied food stamps for one, three or six months, depending on the instance of noncompliance, which begins with the month the individual is determined ineligible. Previously, food stamps were denied for a period of 90 days from the date of quit. The 90-day requirement is repealed.
- Applicants who reduce their work effort to less than 30 hours per week within 60 days prior to the date of application are subject to the same penalties as applicants who voluntary quit a job.

- Voluntary quit hours per week are changed from 20 hours to 30 hours per week to be consistent with the reduction of work effort hours, which are 30 hours per week.
- Individuals, who are disqualified for voluntarily quitting a job or reducing the number of hours of work to less than 30 per week, may begin to participate in the Food Stamp Program if they apply after the end of the one-, three-, or six-month disqualification period, are otherwise eligible, and are determined by the CWD to be in compliance with the food stamp work registration requirements.
- Individuals disqualified for voluntarily quitting a job or reducing their work effort, who become exempt during the disqualification period, may reestablish eligibility without having to reapply for food stamps.
- The ABAWD work requirement is considered satisfied for a month in which an individual had good cause for temporarily missing work in a job of at least 80 hours per month.
- The 15 percent ABAWD exemption is listed as one of the exemptions from the ABAWD work requirement.
- To regain eligibility, an ABAWD must always meet the full 80-hour monthly work requirement or participate in workfare unless the individual qualifies for an exemption from the ABAWD work requirement.
- The resources of an ABAWD, who is discontinued due to exhaustion of the three countable months out of the 36-month period, are included in its entirety with the remaining food stamp household members' resources. A pro rata share of the income of the discontinued ABAWD shall be counted as income to the remaining members.
- The restoration of federal food stamp benefits to those immigrants who become legal noncitizens.

#### COST ESTIMATE

1. Costs or Savings to State Agencies: None.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

#### LOCAL MANDATE STATEMENT

These regulations impose a mandate on local agencies but not on school districts. There are no reimbursable state-mandated costs because these regulations make only technical and clarifying changes.

#### STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

#### ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

#### STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553, 10554, and 18904. Subject regulations implement and make specific 7 U.S.C. 2015 and 2025, as amended by Section 4121, of the Food Stamp Reauthorization Act of 2002 (P.L. 107-171); 8 U.S.C. 1612, as amended by Section 4401, of the Food Stamp Reauthorization Act of 2002 (P.L. 107-171); Administrative Notices 01-24, 01-36, 01-43, and 03-04; 7 CFR 273.2, .7, .11, .12, .13, and .24; and FNS letters to CDSS dated August 27, 2001 and November 13, 2001 regarding compliance with the food stamp work registration requirements and resumption of food stamp benefits after a disqualification.

#### CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

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#### EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

AGENDA ITEM(S) FOR THIS PUBLIC HEARING – September 17, 2003

ITEM # 1	ORD #1202-28 Regulations	ABAWD, Food Stamp Voluntary Quit, and FSET Emergency
ITEM # 2	ORD #0403-08	Family Reunification Child Support Referral Requirements
ITEM # 3	ORD #0603-13 Reimbursement	Foster Care Rates - Triennial Financial Audits and Cost
ITEM # 4	ORD #0203-04	CalWORKs/Food Stamps Intercept Program
ITEM # 5	ORD #0503-12	Foster Youth Personal Rights